

**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TENNESSEE**  
**KNOXVILLE DIVISION**

JAY B. WELLS, JR., et al.,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	No.: 3:03-CV-296
	)	
NORFOLK SOUTHERN RAILWAY	)	
COMPANY, et al.,	)	
	)	
Defendants.		

**ORDER OF DISMISSAL FOR ORVILLE AND VIVIAN RICHARDS AND**  
**CASEY BEWAYNE**

The Court having issued an Order to Show Cause to the Plaintiffs Orville Richards, Vivian Richards and Casey Bewayne (Richards), (hereinafter the "Richards Plaintiffs"), on April 24, 2006 directing these Plaintiffs to show cause on or before May 30, 2006 as to why this action should not be dismissed for failure to prosecute,

The Richards Plaintiffs having failed to respond to said Order to Show Cause forwarded to them by Certified Mail, and the Defendants having moved on March 1, 2006 for dismissal of the Plaintiffs' claim,

**It is hereby ORDERED, ADJUDGED AND DECREED** by this Court that the claims of Orville Richards, Vivian Richards and Casey Bewayne are hereby dismissed with full prejudice. A copy of this Order will be forwarded to the Richards Plaintiffs.

Each party is responsible for payment of their own discretionary costs.

*Thomas H. Phillips*

Hon. Thomas Phillips, Judge

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**CERTIFICATE OF SERVICE**

I hereby certify that on June \_\_\_, 2006, a copy of the foregoing Order of Dismissal was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. The Richards plaintiffs will be served via certified mail. Parties may access this filing through the Court's electronic filing system.

s/R. Loy Waldrop, Jr.

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